

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CITIMORTGAGE, INC.,)
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 Plaintiff,)
)
)
 vs.) No. 4:09CV1386-DJS
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)
MILLENNIUM MORTGAGE CORP.,)
d/b/a MILLENNIUM MORTGAGE)
CAPITAL CO.,)
)
)
 Defendant.)

ORDER

Now before the Court are plaintiff CitiMortgage, Inc.'s motion for leave to file the supplemental affidavit of John Gray [Doc. #21] and plaintiff's motion to vacate order and judgment [Doc. #24]. Based on plaintiff's newly submitted evidence regarding the mitigation of some damages and the accumulation of other damages, namely the supplemental affidavit of John Gray [Doc. #24-3], the Court will grant plaintiff's motion to vacate the Court's February 3, 2010, order and judgment. The Court will this day enter a new order and judgment.

IT IS HEREBY ORDERED that plaintiff's motion for leave to file the supplemental affidavit of John Gray [Doc. #21] is granted, and the Clerk shall detach and separately file Doc. #24-3 as the supplemental affidavit of John Gray.

IT IS FURTHER ORDERED that plaintiff's motion to vacate order and judgment [Doc. #24] is granted as follows.

IT IS FURTHER ORDERED that the Court's order and judgment entered February 3, 2010 [Docs. #22, 23] are hereby vacated.

Dated this 4th day of February, 2010.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE